

Minutes of the Planning Commission meeting held on Thursday, July 18, 2013 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Chair
Tim Taylor, Vice-Chair
Jim Harland
Phil Markham
Scot Woodbury
Tim Tingey, Director, Administrative Development Services
Mark Boren, Zoning Enforcement Officer
Brad McIlrath, Assistant Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Vicki Mackay
Maren Patterson

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Karen Daniels opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Markham made a motion to approve the minutes of June 6 and June 20, 2013. Seconded by Mr. Woodbury.

A voice vote was made. Motion passed, 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Taylor made a motion to approve the Findings of Fact for Conditional Use Permits for Go Solar Group, Holiday Inn Express and Jeremy Circle Condominiums.

Seconded by Mr. Harland

A voice vote was made. Motion passed, 5-0.

INTERMOUNTAIN SPAS – 61 East 4800 South – Project #13-113 - Public Hearing

Scott Fisher was the applicant present to represent this request. Tim Tingey reviewed the location and request for a Certificate of Appropriateness for site modifications at the property addressed 61 E. 4800 South. Municipal Code Section 17.170.050 outlines the process for review of applications located within the Murray City Center District (MCCD). New construction within the MCCD requires the issuance of a

Certificate of Appropriateness by the Planning Commission after the project receives review and recommendation from the Design Review Committee. A public hearing is required prior to issuance or denial of the Certificate of Appropriateness. Section 17.170.040 requires that modifications to site improvements and landscaping be approved through a Certificate of Appropriateness issued by the Planning Commission. The applicant has proposed a retail store selling spas, hot tubs, etc. In conjunction with the new business a fenced storage area has been proposed to the rear of the property along with modifications to the frontage landscaping along 4800 South. The fence improvements are visible from 4800 South and from the public alley running along the east side of the property. The proposed fence consists of a chain link fence enclosing an outside storage area located to the north of the building. In addition, the applicant proposes to remove three existing shrubs along the front of the building and replace the shrubs with large decorative boulders. The proposed outdoor storage area is not specifically prohibited by the MCCD ordinance in conjunction with this particular retail use at this time. However, the ordinance and design guidelines both call for screening of outdoor storage and mechanical areas with materials compatible with the building. At a minimum, the fenced area should include slats or similar materials to provide screening of the stored products. In addition, stored product should not be stacked in such a way that they extend or protrude above the screen fence. The proposed minor modifications to the landscaping areas are compatible with the design guideline standards, provided that the remainder of the mature landscaping is left in place. The Design Review Committee reviewed the project on June 27, 2013. The committee recommended approval of the proposed use subject to recommended conditions. Based on analysis of the design review guidelines staff recommends that the overall design is consistent with the design guidelines and recommends approval of the proposed site modifications to the Planning Commission with conditions.

Mr. Woodbury asked if the existing chain link fence shown on the site plan and presentation will need to have slats installed. Mr. Tingey responded in the affirmative. He explained the fence must be screened in some manner to code.

Scott Fisher, 6484 South 1090 West, stated he is representing the applicant for this proposal. He stated that they will slat the existing fence. He stated that the fenced area is a temporary holding place for new spas prior to being delivered. He stated that none of the spas will be visible above the 6 foot high fence. Ms. Daniels commented that the trash enclosure also needs to be enclosed within a screened fence and should be an addition to the conditions of approval. Mr. Fisher responded that he is willing to enclose the trash container within the fenced area so as not to be visible from the street.

Mr. Harland asked if the enclosure was outside of the fenced area the other day when he visited the site. Mr. Fisher responded that the trash enclosure was outside of the fence but they are willing to move it inside the slated fenced area. He stated that the parking has been restriped.

Ms. Daniels opened the meeting for public comment for this agenda item. No comments were made.

Mr. Woodbury made a motion to approve a Certificate of Appropriateness for the site modifications to the property addressed 61 East 4800 South, Intermountain Spas, subject to the following conditions:

1. The proposed fenced storage area to the rear of the property shall be modified to include a solid screen fence providing a visual barrier to the storage areas. Materials such as chain link with slats, vinyl or wood fencing, or a masonry wall shall be used to provide screening.
2. Outdoor storage should only occur within the proposed screen-fenced area. Storage of product shall not occur within the parking areas or outside of the screened areas.
3. Product shall not be stacked so as to protrude above the screen fence.
4. Existing mature landscaping shall remain. The use of decorative boulders to replace three shrubs is appropriate provided the remaining mature landscaping remains.
5. The trash enclosure must be screened with fencing to meet code.

Seconded by Mr. Harland.

Call vote recorded by Mr. Tingey.

A _____ Scot Woodbury
A _____ Jim Harland
A _____ Tim Taylor
A _____ Phil Markham
A _____ Karen Daniels

Motion passed, 5-0.

BRANDON PEHRSON/SHARKY'S BAR DEMOLITION – 20 East 4800 South –
Project #13-103 – Public Hearing

There was no applicant present for this item. Tim Tingey reviewed the location and request for a Certificate of Appropriateness to demolish an existing structure located in the MCCD zoning district at the property addressed 20 E. 4800 South. Municipal Code Section 17.170.050 outlines the process for review of applications located within the Murray City Center District (MCCD). Demolition of structures within the MCCD requires the issuance of a Certificate of Appropriateness by the Planning Commission after the project receives review and recommendation from the Design Review Committee. A public hearing is required prior to issuance or denial of the Certificate of Appropriateness. The ordinance requires that requests for demolition be reviewed through the Certificate of Appropriateness process to ensure that negative impacts to the District resulting from demolition can be analyzed and mitigated. The structure is not considered to be a significant historic structure in the MCCD. The proposed demolition is not adjacent to any historic buildings and is not anticipated to have negative impacts on the district. Therefore, demolition may proceed subject to issuance of a Certificate of Appropriateness issued by the Planning Commission. The Design Review Committee reviewed the project on June 27, 2013. The committee recommended approval of the proposed use subject to conditions. Based on analysis

of the design review guidelines staff recommends that the proposal to demolish this building is consistent with the design guidelines and recommends approval of the proposed demolition with a condition.

Ms. Daniels opened the meeting for public comment for this agenda item. No comments were made.

Mr. Taylor made a motion to grant approval for a Certificate of Appropriateness for demolition of the structure located at 20 East 4800 South, subject to the following condition:

1. Obtain a demolition permit from the Murray City Building Division prior to demolition of the building.

Seconded by Mr. Harland.

Call vote recorded by Tim Tingey.

A _____ Tim Taylor
A _____ Scot Woodbury
A _____ Jim Harland
A _____ Phil Markham
A _____ Karen Daniels

Motion passed, 5-0.

S N S IM, LLC – 4832 South Murray Boulevard – Project #13-83

Kris Pasker and Brett Pace were the applicants present to represent this request. Mark Boren reviewed the location and request for a Conditional Use Permit to construct an emission & inspection station at the existing car wash property addressed 4832 South Murray Boulevard. Municipal Code Ordinance 17.160.030 allows emission & inspection station within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant is requesting a Conditional Use Permit for a new safety and emission inspection bay to be connected to the car wash on the south side of the existing structure. The new 1,520 sq. ft. addition will include the test bay area, customer waiting room, unisex restroom, and attic access to service and maintain the car wash facility. The site plan shows that the dumpster enclosure will be relocated. It must comply with the refuse siting standards in Section 17.76.170 of the Murray Municipal Code. The site plan also shows a new vacuum island adjacent to the new safety and emission bay and one in the middle of the drive access off of 4800 South. Because the proposed vacuum island on the north side of the property could pose a traffic safety hazard, the City is not recommending its approval. The planning staff noted that after reviewing the submitted site plan that the detached sign may be located in the public right of way. If the sign is located in the public right of way, a permit must be obtained and the sign relocated onto private property. The site plan shows 4 parking stalls on site including one disabled stall. The Murray City Code requires 3 exterior parking spaces for each stall, service bay, or work station, and 3 spaces in the approach lane to each wash bay. The site is

located in an area where there are existing utilities readily available. Traffic impacts are expected to be minimal. The applicant has provided adequate information for the review by the Planning Commission. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Woodbury asked if this is for a single bay emissions and inspection and on the elevation it shows two roll up doors. Mr. Boren responded this application is for a single bay and deferred this question to the applicant.

Kris Pasker, South Commerce Drive, stated he is the architect for this project. He stated the second overhead door is for storage of a snow plow and this proposal is for a single bay emissions station. Mr. Pasker explained their concerns with the recommended conditions of approval. He stated there is a 30 foot access on the north side of the property where the additional vacuums are proposed to be located. He explained that there is no need for a right-hand turn onto 4800 South because the pattern of traffic for this facility is one-way traffic which goes through the wash bays, exiting out the west and then to the south, therefore they are not in favor of condition #5. He stated there is a handicap curb cut access which should address condition #7. He stated the location of the detached sign was permitted with the city and the property owner went through the proper channels for approvals. He stated it was recently discovered that there may be some plats that are off with the properties to the north on 4800 South. He stated the sign permit was obtained in October of 2006 and there were no issues regarding the location of the sign on the property and the property owner did everything he was supposed to do for proper approvals. He stated it would be a burden on the property owner if he is required to move a \$50,000 sign due a recent realization that the sign location may be a problem. He stated that they meet the codes outlined. He stated the two objections they have are regarding the access to the emissions bay and the relocation of the sign.

Mr. Harland asked about the proposed location for the new vacuum stations. Mr. Pasker responded the direction of travel is from the north to the south and the cars exit onto Murray Boulevard. Mr. Markham stated that people will probably enter the property from Murray Blvd to the vacuum stations and drive north onto 4800 South and cross all traffic lanes to go westbound, which would create a traffic congestion and traffic hazard. Mr. Pasker responded the parking lot driveways are 24 feet wide which is adequate and there is no safety hazard with this proposal.

Mr. Harland stated the two-way traffic with a barrier in the middle may be the concern. Mr. Taylor stated that if a customer is stopped at the vacuum on both sides then the traffic is blocked and cars that are turning in may not see the cars that are stopped and this may be a traffic concern.

Brett Pace, 1352 Fox Point Drive, West Jordan, stated he is the owner of the property and he built the carwash in 1989. Mr. Pace stated the existing island requires 3 parking spaces for stacking, and each customer takes 20-30 minutes in the hand bays, which means the third car back has an hour wait. He stated when he added the vacuum station at the front of the property his customers were happier because they could vacuum while waiting in line for the bay. Those customers who don't utilize the

vacuums while waiting in line for the car wash, will use the vacuums after getting their car washed. He stated this car wash/vacuum process is not a fast pace business. He said there has not been one fender bender since he built the car wash in 1989, nor has there been any harm to any of his customers. He asked for input as to where to locate the vacuum stations that would satisfy the planning commission.

Ms. Daniels indicated that based on the commissioners comments and concerns they will keep the recommended conditions of approval, and that Mr. Pace work with the planning staff to resolve the two items of concern.

Mr. Harland stated the landscaping condition is always a condition of approval with conditional use permit applications and existing landscaping may or may not need to be changed in order to meet the city code.

Mr. Pasker asked about the sign location issue. Ms. Daniels responded that the applicant should work with the city officials to resolve this issue.

Mr. Tingey commented that when the city approves sign permits, the city relies on the applicant to provide accurate plans, location information, etc. If for some reason those plans are incorrect and the city approves it, it still is an issue that needs to be addressed. Mr. Tingey stated the city is not going to approve a sign that is located within a right-of-way and the city assumes the owner shows accurate location information. He stated a sign cannot be located within the right-of-way and that needs to be resolved.

Mr. Pasker asked the standard setback on 4800 South. Mr. Boren responded the setback for the sign is 2 feet from 4800 South. He stated if the applicant can prove to the city that the sign is a minimum of 2 feet from the property line that would resolve the issue.

Mr. Pace asked if he is required to move the sign, it will eliminate the mature 50 foot tall trees on the property and asked if that would be in the public's best interest. He asked if he could have special consideration if the sign is found to be located within the right-of-way. Ms. Daniels responded that Mr. Pace could apply for a variance with the Board of Adjustment. Mr. Tingey responded that the location of the sign does need to be determined and addressed. Once that is determined there are steps that may need to occur such as an appeal process, or a variance application process.

Ms. Daniels opened the meeting for public comment on this agenda item. No comments were made.

Mr. Markham made a motion to grant Conditional Use Permit approval for an emission and inspection station for S N S IM located at 4832 South Murray Boulevard subject to the following conditions:

1. The project shall meet current building and fire code standards.
2. Provide plans stamped and sealed by appropriate design professionals to include code analysis.

3. Meet all Murray Power, Water, and Sewer Department requirements.
4. Provide enclosure for dumpster at a new location to meet City code requirements.
5. Eliminate the vacuum island shown on the site plan on the north of the property in the drive access off of 4800 South.
6. Repair any damaged curb, gutter, or sidewalk along both 4800 South and 500 West frontage.
7. Upgrade the sidewalk access ramp at the corner of 4800 South and 500 West to meet current city standards.
8. Provide a right turn only sign at the 4800 South egress.
9. Provide an elevation certification to verify that the building finish floor is above the 100 year flood elevation.
10. Verify the located of the detached sign. If it is located in the public right of way, a permit must be obtained and the sign relocated on private property.
11. Provide landscaping/irrigation system plans to be approved by city officials to comply with Municipal Code 17.68 and installed prior to obtaining occupancy and/or a business license for the safety and emission facility.
12. Consolidate the properties into one parcel to eliminate the property line running through the proposed building. The consolidation shall be reviewed by the city prior to recording to verify the legal description.

Seconded by Mr. Taylor.

Call vote recorded by Tim Tingey.

A _____ Tim Taylor
A _____ Scot Woodbury
A _____ Jim Harland
A _____ Phil Markham
A _____ Karen Daniels

Motion passed, 5-0.

BEEHIVE SOAP & BODY CARE – 5180 South Commerce Drive #T – Project #13-118

Tami Thornton and Jason Black were the applicants present to represent this request. Brad McIlrath reviewed the location and request for a personal care product manufacturing business for the property addressed 5180 S Commerce Dr. #T. Municipal Code Ordinance Section 17.152.020 allows a soap making business within

the M-G-C zoning district subject to Conditional Use Permit approval. The applicant is requesting an 800 square foot commercial space for the manufacturing and selling of soaps, lotions, lip balm, products. An office will occupy 140 square feet with 112 square feet of retail space and 513 square feet of warehouse space. The business will occupy unit #T of the commercial building. According to parking standards, there should be 2 parking stalls for this business and use. For the 112 square feet of retail space there should be 0.56 parking spaces provided. This is calculated based on the parking requirement for retail space of, "1 parking space for each 200 square feet of net floor area." For the 140 square feet of office space there should be 0.68 parking spaces provided. This is calculated based upon the parking requirement for office space of, "4 parking spaces for each 1,000 square feet for net office space." For the 513 square feet of warehouse space 0.56 parking spaces should be provided. This is calculated based upon the parking requirements for warehouse space of, "1 parking space for each 750 square feet of net floor area." There will be two parking spaces provided for the business as indicated in the application and by the property owner. Based upon site visits and aerial photos of the site, there appears to be a total of 69 striped spaces. Standards for ADA parking stalls require that 3 stalls shall be provided for every 51-75 parking stalls. Therefore, there should be a total of 3 ADA stalls for this property. The striping of the stalls for this area of the property and the ADA stalls is worn and difficult to see. The building where this business would be located meets the minimum setback requirements of the M-G-C zoning district. Landscaping is in place for the existing building and property in the form of mixed trees and bushes. Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval subject to conditions.

Tami Thornton, 1451 West 11150 South, South Jordan, stated she has reviewed the conditions of approval. She stated she is not the property owner, but is the tenant. She stated she has obtained the MSDS sheets on the materials she will be using for her soap making operation and containment and cleanup procedures are in place.

Jason Black, 5180 South Commerce Drive, stated he is the area manager for Cube Smart in Utah. He stated they are in the process of restriping the parking lot area and are repainting the entire building. He stated they currently have no plans of having a third ADA parking stall. They were not aware that they needed a third ADA stall until now. Ms. Daniels asked Mr. Black if he would be able to have a third ADA stall. Mr. Black responded that he would need to get approval from the corporate offices. Ms. Daniels indicated the third ADA parking stall is required for the conditional use permit approval.

Janice Strobel, 4912 Wasatch Street, stated she works at 5180 South Commerce property. She asked why the applicant, who only wishes to rent a space, is being penalized for something that they are not required to have and that the applicant is only required to have two parking stalls for her business. Ms. Daniels explained that when someone applies for a conditional use permit, the entire property to which the application pertains to is reviewed for code compliance. She stated that by bringing the property up to code will allow for other potential uses to be on the property and any use that is a conditional use would require the same improvements.

Mr. Harland commented that the commission may approve the Conditional Use Permit based on meeting certain conditions, which gives the property owner/tenant time to have the property brought up to code. Mr. McIlrath explained that until all the conditions are met, a business license will not be issued. He stated that he thought the property owner and applicant had been made aware of the requirement for the additional ADA stall.

Danny Powell, 4122 Shirley, Eagle Mountain, stated he will pay for the ADA parking stall to be installed.

Mr. Black stated that other tenants R & R Insulation was granted a conditional use permit as well as Top It. He stated they were not required to have a third ADA stall when those two businesses were approved. Mr. Tingey responded that staff can review this proposal once again for the ADA stall based on the total number of parking spaces required for the entire site, but suggested that the condition requiring the extra ADA stall remain. He stated that the city must uphold the ADA parking requirements which are required by the federal laws. If some reason staff can determine that a third ADA parking stall is not required, then staff would eliminate that condition.

The public comment portion for this agenda item was closed.

Mr. Harland made a motion to approve the Conditional Use Permit for Beehive Soap & Body Care located at 5180 South Commerce Drive #T subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. One additional ADA stall be added with the proper striping and signage as required by Section 17.72.070
4. The parking lot shall be re-striped in areas where striping has faded.

Seconded by Mr. Woodbury.

Call vote recorded by Tim Tingey.

A _____ Tim Taylor
A _____ Scot Woodbury
A _____ Jim Harland
A _____ Phil Markham
A _____ Karen Daniels

Motion passed, 5-0.

EVEREST DISTRIBUTOR, LLC – 5789 South State Street – Project #13-119

Tina Sperry was the applicant present to represent this request. Brad McIlrath

reviewed the location and request for a 2,235 square foot commercial space for the selling of mobile accessories, apparel, calling cards, decorative glass figures, etc. The wholesale customer area will occupy 900 square feet with the warehouse area occupying 1,335 square feet. According to minimum parking requirements for wholesale establishments and warehouses, there should be a total of 5 stalls for this business. For the 900 square feet of wholesale customer space there should be 3.6 parking stalls provided. This is calculated based on the parking requirement of, "4 parking spaces for each 1,000 square feet of net office space." For the 1,335 of warehouse space there should be a total of 1.7 parking stalls provided. This is calculated based on the parking requirement of, "1 parking space for each 750 square feet of net floor area." The property owner indicated that a total of 5 parking spaces will be provided for this business. The applicant has indicated that a shared parking and access agreement exists for all the units on this property. Based on site visits and aerial photos of the site, there appears to be a total of 37 striped parking spaces. Standards for ADA parking stalls require that 2 stalls be provided for every 26-50 parking stall. The required 2 ADA stalls are provided and painted for the property. The building for this business meets the minimum 20 foot setback requirement for buildings in the C-D-C zoning district. The applicant has submitted a landscaping plan for changes in landscaping. The area on the south side is also changing landscaping in order to have the same landscaping for the entire property. The total frontage for buildings on this property is 202.43 feet. According to Section 17.68.040 for landscaping, "landscaping in these areas shall consist of three (3) trees, and five (5) 5-gallon and ten (10) 1-gallon shrubs per one hundred (100) linear feet of frontage. The trees and shrubs shall either be clustered or spread out at regular intervals. The remaining area shall be planted with living ground cover at a minimum fifty percent (50%) of landscape bed coverage at time of planting." Based upon the requirements and the building frontages of 202.43 feet there will need to be six (6) trees, ten (10) 5-gallon shrubs, and twenty (20) 10-gallon shrubs. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Harland asked if the same owner owns both buildings. Mr. McIlrath responded in the affirmative. Mr. Harland stated that the existing landscaping in front of the other building is not in compliance to code and has deteriorated. Mr. McIlrath indicated that a landscaping plan is required for the entire property for this project.

Tina Sperry, 1278 West 500 South, stated she is representing the property owner. She indicated she has reviewed the staff recommendations and will comply.

The meeting was open for public comment for this agenda item. No public comments were made.

Mr. Taylor made a motion to grant Conditional Use Permit approval for Everest Distributor located at 5789 South State Street subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.

3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to issuance of business license. The landscape plan shall include the entire frontage of the site property.

4. The parking lot shall be re-stripped and appropriate signage provided for all ADA stalls.

Seconded by Mr. Markham.

Call vote recorded by Tim Tingey.

A _____ Tim Taylor
A _____ Scot Woodbury
A _____ Jim Harland
A _____ Phil Markham
A _____ Karen Daniels

Motion passed, 5-0.

SEGO LILY SCHOOL – 427 West 4800 South – Project #13-119

Alyssa Kay and Jen Schwartz were the applicants present to represent this request. Brad McIlrath reviewed the location and request a Conditional Use Permit for temporary modular school buildings for the property addressed 427 W 4800. The applicant proposes to construct three temporary class room structures on the site in anticipation of construction of the permanent school use previously approved by the planning commission. The three structures will each be 1,848 square feet in size, totaling 5,544 square feet. The applicant has indicated that the school will serve approximately 50 students for the temporary classrooms ranging from age 4-18. The anticipated permanent school would serve approximately 150 students. The applicant has constructed a covered parking structure which includes solar panels on site. Establishment of this structure constituted substantial action by the applicant allowing for the Conditional Use Permit to continue on the property. Municipal Code Ordinance 17.146.030 allows for schools within the M-U zone. The application was originally approved under section 17.160.030 which allows for a school within the C-D-C zoning district subject to Conditional Use Permit approval. Section 17.56.100 allows for temporary buildings for business purposes to be used up to a 6 month time period as authorized by the planning commission. The planning commission may extend the time period up to one additional year providing that the plans for the permanent structure have received planning commission approval. The proposed parking plan indicates that the existing parking lot will be reconfigured to meet parking code standards, and a new parking lot will be constructed between 4800 South and the proposed modular classrooms. There will be a total of 25 parking stalls between the two lots. Parking for school uses is calculated based upon the number of employees, classrooms, students of driving age, and number of seats in auditoriums. The submitted plans do not include an auditorium. The proposed parking would meet the needs of the modular classrooms and the anticipated future school. An analysis of the parking was conducted in 2009 and the needs of the school would be the same

as the proposed needs for the application in 2009. Those calculations indicate that the proposed parking would meet the minimum parking requirements of the Code. The parking analysis indicates that Sego Lily School would occasionally host special events for the students' families to attend. The zoning ordinance standards do not require parking to be provided for occasional special event parking for schools because providing parking for these events would create large areas of unused parking for the majority of the year. According to the study, the school would plan on using off street parking along 4800 South along with the possibility of seeking agreements with adjoining property owners if necessary. According to the submitted plans, adequate ADA parking would be provided in order to meet the minimum requirements. According to parking requirements one (1) ADA stall must be provided for every 1-25 total parking stalls. There would be two (2) ADA stalls provided. The proposed buildings would meet the setback standards for the C-D-C zoning district which requires a minimum 20 foot front yard setback. There are no minimum side or rear yard setbacks for the C-D-C zone. The temporary structures will still be required to meet applicable building codes. The submitted plans show a 10-foot wide landscaping area along 4800 South as required by the landscape ordinance. The proposed plans would meet the requirements for landscaping along the frontage and for the use. The plans show three access points off of 4800 South. The applicant has indicated that the existing driveway will serve as the access for the office building. The two proposed driveways will serve as entrance and exit points for drop off and pick up of students. The plans show directional arrows for the entrance and exit drives and staff recommends that those are painted as shown on the plans. Engineering has requested a condition of approval requiring the combination of the two west accesses onto one drive way in order to provide safer access. Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Woodbury asked if the two ADA stalls will need to be reconfigured if the lots are combined. Mr. McIlrath responded that the plans will need to be updated showing the new access and parking.

Alyssa Kay, 8377 South 1100 East, stated there are currently four drive access to the property from 4800 South so this proposed design reduces one of those. She stated the permanent school building is designed to be very green and the parking lot is also designed to be green by eliminating as much asphalt as possible. She stated the civil engineer is working on designing the parking lot to combine the two drive accesses. It would seem that combining to drive accesses would be more efficient because of the existing building. If they relocate them would require making the parking lot bigger than what they desire. In the future the existing office building is planned to be leased out to different business entities to bring in income for the school and in that case they wouldn't want someone who is not associated with the school using the schools parking lot for the safety of the school.

Ms. Daniels stated that the applicant should work with the staff on the issue regarding the access drives and concerns and understands the concerns expressed by Ms. Kay. Mr. Markham commented that the planning commission should defer this issue to the city staff with regards to the combining of the drive accesses.

Mr. Markham asked the time line for the permanent structure to be built and that it has been quite some time since the awnings were constructed and there are a lot of anxious people. Ms. Kay responded that the temporary structures are allowed for six months with a possible extension of 18 months and that their goal is to work within that maximum time period and they too, are anxious to have the permanent structure done.

The meeting was open for public comment for this agenda item.

Merrill Wood, 409 West 4800 South, stated he is the adjacent property owner. He asked about the plans for fencing for this proposal the setbacks of the structure from the property line, and if the elevation will be raised. He stated the property is in poor condition with very tall weeds. He stated the grade of the property has been raised and he installed his fence 45 years ago. He stated that a higher fence would be necessary to allow him better privacy and keep the students from jumping over the 3 foot high fence.

The public comment portion for this item was closed.

Ms. Kay stated they are planning to have a fence and will ensure that it is tall enough to meet the needs. She stated they have tried to keep the property maintained and weeds cut, but it is a large property and they will do better with that issue in the future. She stated that occupying the property will help with maintenance of the property.

Mr. Markham asked about the fencing requirements for this proposal. Mr. McIlrath responded that the maximum fence height is 6 feet, but the property to the east is not in a residential zone and is in the M-U zoning district and there is no requirement for a 6 foot high fence.

Mr. Markham asked if the commission would be able to require a fence between Mr. Wood's property and this project. Mr. Tingey responded that the commission could require a buffer fence if the commission feels it is warranted or a need for a buffer fence. He stated the fencing requirement is where a commercial property is adjacent to a residential zone and not a residential use in a commercial district.

Mr. Woodbury expressed his concern for having a buffer fence between the school and Mr. Wood's property.

Jen Schwartz, stated she is the owner of the property at 447 West 4800 South, and the founder of the school. She stated there are health and safety codes through the state of Utah that require schools to have fences at a particular height, but was unsure what that requirement is at this time, but that they will follow the requirements of the state, whatever that may be. She stated that they plan to fence the entire site and do not want their students wandering onto other properties in the area and have boundaries. Ms. Daniels responded that being the case the commission does not feel the need for an additional fencing requirement is necessary.

Mr. Harland asked if an expiration date should be indicated for the temporary modular classroom. Ms. Daniels responded that the expiration date would automatically be 6

months from today.

Mr. Woodbury asked if the existing office is currently being used and once the temporary modular units are up and running what will be done with the office space. Ms. Schwartz stated the office building has three small offices and they are temporarily using one of those office spaces as their base of operation for the school. The other two office spaces are already leased, one to a massage therapist and the other to a woman who is a naturopath. They are planning to continue using those spaces so long as it continues to work with the school, but they are not planning to lease any additional space.

Mr. Woodbury made a motion to grant Conditional Use Permit approval for Sego Lily School temporary modular classrooms at 427 West 4800 South subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy.
4. The trash container shall be screened as required by Section 17.76.170.
5. Parking areas shall be paved and striped in accordance with approved plans prior to occupancy.
6. All conditions of the Murray City Engineer are met prior to occupancy which include:
 - (a) The applicant shall combine the two west access points into one.
 - (b) The applicant shall meet city drainage requirements.
 - (c) The applicant shall complete curb, gutter and sidewalk improvements including the removal and replacement of curb, gutter and sidewalk through the old accesses along 4800 South frontage.
 - (d) The applicant shall upgrade the sidewalk through new accesses to meet current standards.
 - (e) The applicant shall update site SWPPP and obtain a Land Disturbance Permit prior to any site work.

Seconded by Mr. Harland.

Call vote recorded by Tim Tingey.

A _____ Tim Taylor

A _____ Scot Woodbury

A _____ Jim Harland

A _____ Phil Markham
A _____ Karen Daniels

Motion passed, 5-0.

CHEN SUBDIVISION AMENDMENT – 4931 & 4937 South Lincoln Street – Project #13-114

Gary Dansie was the applicant present to represent this request. Mark Boren reviewed the location and request a flag lot subdivision amendment for the properties addressed 4931 & 4937 South Lincoln Street. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. Section 17.58 authorizes the planning commission to approve residential infill subdivisions. On January 19, 2012, Larry Chen received planning commission approval for a flag lot subdivision located at 4835 S. Lincoln Street. The approved subdivision included the front lot which contains 14,765 sq. ft. and the main body of the flag lot which contains 16,188 sq. ft. The drive access to the flag lot was originally an easement on the front lot that allowed access to the flag lot. The proposed subdivision amendment will include the drive access area as part of the flag lot. With the changes the front lot will be 98.34 feet wide and contain 11,301 sq. ft. and the flag lot including the drive access will contain 19,520 sq. ft. The paved drive access will be 20 ft. wide with a 4 ft. wide strip of landscaping on each side of the driveway. The proposed changes will comply with the current regulations of the R-1-8 zone. The new dwelling on the front lot complies with the setback requirements of the R-1-8 zone. The new dwelling constructed on the back lot shall comply with the setback requirements. A 4 ft. wide strip of landscaping on each side of the driveway accessing the flag lot shall be approved and installed prior to occupancy. A landscaping/ irrigation plan shall be provided with the building permit. The property is accessed from Lincoln Street. The project shall meet all building and fire code requirements. The City Engineer requested that the proposed subdivision amendment meet Murray City subdivision plat requirements and upon receiving Planning Commission approval, the applicant submit a Subdivision Plat Application form and a pdf of the plat to the Engineering Division for final review. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Gary Dansie, 5442 South 900 East, stated he has reviewed the conditions of approval and will comply. Mr. Dansie stated this proposal is basically changing the access easement to a deeded property.

Ms. Daniels commented that an email was sent by Celia & Steve Demman stated the are in favor of this proposed flag lot amendment.

The meeting was open for public comment for this agenda item. No comments were made by the public.

Mr. Markham made a motion to approve the Chen flag lot subdivision amendment at 4931 & 4937 South Lincoln Street subject to the following conditions:

1. Meet all Murray Water and Sewer Department and Murray Power Department requirements including plans submittal for the utility installations.
2. The applicant shall meet all Murray City subdivision plat requirements. Upon receiving Planning Commission approval, submit a Subdivision Plat Application Form and a pdf of the plat to the Engineering Division for final review.
3. The project shall meet all applicable building code standards.
4. The project shall meet all current fire codes.
5. A formal landscaping/irrigation plan shall be submitted with the building permit application for the flag lot landscaping for approval by the City and be installed as approved prior to final occupancy. The plan shall show the required landscape area adjacent to the flag lot driveway.
6. Comply with all applicable subdivision and flag lot zoning regulations.

Seconded by Mr. Taylor

Call vote recorded by Tim Tingey.

A _____ Tim Taylor
A _____ Scot Woodbury
A _____ Jim Harland
A _____ Phil Markham
A _____ Karen Daniels

Motion passed, 5-0.

COURT AVENUE SUBDIVISION – 4916 South Center Street & 152 East Court Avenue Project #13-96

Mindy Dansie was the applicant present to represent this request. Tim Tingey reviewed the location and request for a subdivision plat vacation for the property addressed 152 E. Court Avenue and 4914 & 4916 S. Center Street. Municipal Code Ordinance Section 16.04.030 requires that modifications, vacations or alterations of existing plats receive approval by Murray City Officials with recommendation from the Planning Commission. Section 16.12.110 requires that amendments to recorded final plats must be processed according to state law. Utah Municipal Code Section 10-9A-608 requires that applications for subdivision plat vacation be considered by the land use authority at a public meeting with notice being sent to adjacent property owners in accordance with local ordinance. The subdivision plat vacation has been requested in order to comply with the conditions of approval for the Certificate of Appropriateness issued for the Oasis Apartments, which was in February of 2012, also known as Center Court Apartments. The effect of the subdivision vacation will be to combine the previously approved townhome subdivision plat into one lot, and to combine that lot with adjoining parcels to the west. The vacation is required in order for the apartment project to meet building code. Murray City Code Title 16 outlines the

requirements for subdivision review. Utah Municipal Code Section 10-9A-608 requires that applications for subdivision plat vacation be considered by the land use authority at a public meeting with notice being sent to adjacent property owners in accordance with local ordinance. The Planning Commission's role is to ensure that the proposal is consistent with established ordinances, policies and planning practices of the City. The Planning Commission acts as an advisory body to the Mayor and shall make investigations, reports and recommendation on proposed subdivisions or vacations as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the Commission's review and recommendation of a subdivision vacation application, it will be forwarded to the Mayor for final approval. The plat is then forwarded to the Salt Lake County Recorder's office for review and recording. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mindy Dansie, 4828 Shane Hill Drive, West Jordan, stated she is representing the property owner, Nathan Shipp, who was unable to attend this meeting. She stated they have reviewed the staff recommendations and will comply with the conditions as outlined.

The meeting was opened for public comment for this agenda item.

Janice Strobel, 4912 South Wasatch Street, asked for clarification regarding the notice sent to the residents in this and the purpose of sending the notice for this agenda item and there is nothing the public can do about the project at this point.

Linda Fox, 4928 Wasatch Street, stated the problem the residents have with this proposal is even though they did go to court to try to stop this from being a building that is too big, there is no right-of-way, and is a safety hazard especially if cars are allowed to park on the streets and they have proved that to the commission and the commission still didn't care. She asked how the residents get the planning commission to understand that they are creating something that is going to be a tragedy. There will be children hurt. It will be impossible for a fire truck to access through here. She expressed concern when the fire department said it's not safe to do what they're doing.

Mr. Tingey stated that state law requires that the city must provide notices to the surrounding property owners regarding subdivision plats. In addition to that, with a plat amendment there may be issues that the city is not aware of that may be addressed during the public meeting process. He explained that city staff has reviewed this proposal and the project is going through the building permit process. The Fire Department has not deemed this as an unsafe project, if it were, it wouldn't be approved. He stated this area has been commercial for 50-60 years and the reasoning for this zoning approval. He stated when there are ordinance or zoning changes, that is an important time for public comment and all citizens in the community.

Mr. Taylor stated the issue at hand is the subdivision amendment and not the project approval.

Mr. Strobel commented that Center Street has not had commercial on the west side and the street has not been adequately designed for this type of high density, 50 foot high, 62 unit hotel with only 1.2 parking spaces per unit. She stated there have been concerns brought up by the citizens that have not been acknowledged. She asked the public wants the best for their area and to put this project on such a small street is very concerning.

Mr. Markham stated he has lived his entire life of 56 years in Murray City, he worked for Murray City for 35 years, and recently retired from working for Murray City. He stated he also lived for 18 years at 236 East 4800 South and that he does care about Murray City.

Mr. Harland made a motion that the planning commission approve a subdivision plat vacation for the property addressed 4914 & 4916 South Center Street & 152 East Court Avenue subject to the following conditions:

1. The application shall meet the requirements of the Murray City Engineer for recording of the plat at the Salt Lake County Recorder's Office.
2. The application shall meet City subdivision requirements. The plat will vacate the original Center Court Townhome plat, create a new lot and dedicate right-of-way along both Center and Court for new sidewalks.
3. Provide an escrow bond agreement for all improvements in the City right-of-way.
4. Upon receiving Planning Commission approval, submit a Subdivision Application Form and a pdf of the plat to the Engineering Division for final review.
5. The project shall meet all applicable building code standards.
6. The project shall meet all current fire codes.

Seconded by Mr. Taylor.

Call vote recorded by Tim Tingey.

A _____ Tim Taylor
A _____ Scot Woodbury
A _____ Jim Harland
A _____ Phil Markham
A _____ Karen Daniels

Motion passed, 5-0.

MURDOCK HYUNDAI – 4679 South Hanauer Street – Project #13-96 & #13-112 –
Public Hearing

Kevin Hunt was the applicant present to represent this request. Tim Tingey reviewed

the location and request for a Murray General Plan amendment from Medium Density Single Family Residential to Commercial Retail and zone map amendment from R-1-6 (medium density single family residential) to C-D-C (commercial development conditional) for the property addressed 4679 South Hanauer Street to expand the parking lot for Murdock Hyundai on the property. There was a similar request in July 2006 for General Plan and zone map amendment to commercial retail from Miller Family Real Estate for properties to the north of this property. The Planning Commission recommended denial based on noncompliance with the General Plan, but the properties were amended to commercial by the Murray City Council. The existing R-1-6 zoning allows for single family residential dwellings along with their accessory uses, as well as a number of conditional uses including cemeteries, schools, churches, libraries, parks, etc.

The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan future land use map for this particular property show medium density single family residential. The business uses allowed in the C-D-C zone are not consistent with the Murray General Plan direction for this particular property location which is designated for medium density single family residential. The uses adjoining this property to the west and south are residential. It is not the direction of the General Plan for an expansion of commercial uses to the south of the existing commercial zoned property. One of the goals listed in the Murray General Plan is to preserve and protect the quality of life for viable residential neighborhoods. The General Plan Policy is to protect residential neighborhoods from inappropriate commercial and other uses that have incompatible characteristics. The Box Elder neighborhood is specifically identified as an area to be preserved and protected from encroachment by incompatible use. There is not a justifiable reason for an expansion of the C-D-C zone encroaching into the residential zoned area. The applicant's request for a Murray General Plan Map amendment from Residential Single Family Medium Density to Commercial Retail and a zoning map amendment from R-1-6 to C-D-C is not consistent with the Murray General Plan. The General Plan calls for preservation of residential areas, specifically the Box Elder neighborhood is identified as an area to be preserved. There is not a need to amend the General Plan and zoning map for commercial business uses at this location. There has not been a change in circumstances that necessitates changes to the General Plan. At the time the General Plan was adopted, the City Council reviewed the residential zone recommendations for this property and the Box Elder neighborhood was given a medium density single family residential use designation in the General Plan with a zone designation R-1-6. This property was not recommended to be commercial retail in the General Plan or zoned C-D-C (commercial development conditional) and is not consistent with the General Plan to preserve and protect the quality of life in residential areas. There is not a justifiable reason for an expansion of the C-D-C zone into the residential area. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of Denial to the City Council for the requested Murray General Plan Amendment and Zone Change.

Mr. Harland asked when the zoning of the three properties to the north changed. Mr. Tingey responded the three properties to the north were changed prior to 2008, but was unsure of the exact date. At that time the recommendation was a recommendation of denial from the planning commission, but was approved by the city council.

Kevin Hunt, 113 Lakeview Drive, Stansbury, stated he is representing this request. He commented that the plat amendment was approved on August 15, 2006 by the city council with the general opinion concluding it would be an improvement in the area for the condition of the existing homes to be removed and subsequently the fencing and landscaping along Hanauer would be installed, which he believes is a logical break between the commercial and the residential zone. He stated they have recently removed the home that was on the property in question which was a flop house and they could not keep the transients out of the home and it was blight on the area. He stated it is a logical the move forward with an expansion of their parking. The biggest other issue is the Brown Ditch runs through the property and is an open ditch. As a part of this project, the ditch would be piped and is a safety factor for the children of the area. The fencing and landscaping would extend to the south.

Neil Fortie, 4686 South Hanauer Street, stated he was in opposition of the previous zone changes and each time the properties have been changed to commercial. He stated the property is currently being used for a parking lot and over the Memorial Day weekend the home was demolished and they have been parking on the property without a permit to do so. He stated he is not particularly opposed to the zoning change, but is concerned with the parking along the street that is currently occurring.

The public comment portion for this agenda item was closed.

Mr. Hunt clarified that they did obtain the necessary permits for demolition of the home and subsequent inspections. He stated the employees of Murdock Hyundai have been parking on the property and along the street but are attempting to soften the impact on the public right-of-way by parking on the property in question.

Mr. Woodbury asked the anticipated time frame for an update to the general plan. Mr. Tingey responded there was funding appropriated by the city council to start the general plan update process and that will begin the first of the year and will likely be a three year process.

Mr. Woodbury stated that it is important that things fall within the general plan and are done according to the process, but the city council may feel differently and that is their prerogative.

Mr. Taylor stated the challenge with this proposal is that the obligation of the planning commission is to make sure it meets the requirements the city sets for and it is consistent with the general plan, but there is a little corner remaining and this change would continue encroachment into the neighborhoods. The question is what will the happen to the property now that the house is gone; would another home be constructed on the property; would that maintain the character of the neighborhood

better than it would if it there were a wall up against the sidewalk. He stated that the proposal is not consistent with the general plan.

Mr. Taylor made a motion to send a recommendation of denial to the city council for the requested Murray General Plan amendment and zone change for the property addressed 4679 South Hanauer Street. Seconded by Mr. Markham.

Call vote recorded by Tim Tingey.

A _____ Tim Taylor
A _____ Scot Woodbury
A _____ Jim Harland
A _____ Phil Markham
A _____ Karen Daniels

Motion passed, 5-0.

Ms. Daniel stated the recommendation for denial of the general plan amendment and zone change will be forwarded to the city council for an additional public hearing.

ROGER KNIGHT & STEVEN FEDER – 703, 709 & 753 East Winchester Street –
Project #13-120 – Public Hearing

Steven Feder was present to represent this request. Tim Tingey reviewed the location and request for a Zoning Map Amendment from R-1-8 (Single Family Residential Low-Density) to R-N-B (Residential Neighborhood Business) for the properties addressed 703, 709, and 753 East Winchester Street. Various permitted uses are allowed in the R-1-8 zone such as dwellings and accessory uses, garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include churches, schools, public parks, and libraries. The existing R-1-8 zone allows low density single family residential on minimum 8,000 sq. ft. lots. A variety of permitted uses are allowed in the R-N-B zone such as single family and two family dwellings, office uses, florists, and photography studio's. Other uses allowed by Conditional Use Permit include bed and breakfast home-stay, delicatessen & lunch facilities, gift shop, books art & hobby supplies, banking services, churches and schools. The R-N-B zoning district is not what is typical along State Street which is C-D-C. The R-N-B zoning district is also not the G-O zoning which is adjacent to the east. The purpose of the residential neighborhood business zone is to provide a low intensity zoning designation that is a buffer or barrier between a heavy arterial area of a commercial area to a residential area. The purpose of the Residential Neighborhood District is to provide a varied mix use of low scale, low intensity residential commercial office and business operations as an appropriate transition from a high traffic arterial street area. There are a variety of mixed use, low scale, low intensity residential, single family dwellings, two-family dwellings, commercial, office and business uses as an appropriate transition between high traffic arterial streets to adjacent residential neighborhoods. There are also standards that include that the hours of operation include are limited to 7 a.m. to 10 p.m., landscaping requirements for buffer areas between the residential neighborhoods and the use; height regulations which have a maximum height of 30 feet which is lower

than a residential neighborhood which is 35 feet. The standard maximum height is 20 feet but with a conditional use permit approval the height can be a maximum of 30 feet. Design standards are required so that the structure fits into a neighborhood with gable roof elements, the structure must fit into the residential neighborhood and the design standards help mitigate impacts with adjacent residential neighborhoods such as fencing guidelines and lighting. This proposal is not for a specific structure and the notices sent to the surrounding residents did not include specific building elevations because the submittal is not a formal proposal and this agenda item is specifically for a rezone to R-N-B. A public notice was sent to adjacent properties on July 5, 2013. As of the date of this report several phone calls have been received voicing opposition to the proposal.

The purpose of the General Plan is to provide an overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan identifies this location as an area that is appropriate for a transition from single family residential development to residential neighborhood business. The proposed change is consistent with the General Plan which calls for the transition of properties along this section of Winchester Street from Single Family Residential to R-N-B. The uses allowed in the R-N-B zone are lower intensity commercial and residential uses. In addition, the development standards of the R-N-B zone limit the height of structures to 30 feet, which is lower than heights allowed by the R-1-8 zoning standards. Other standards provide additional buffering to adjacent residential properties.

- i. The General Plan provides for flexibility in implementation and execution of the goals and policies based on individual circumstances.
- ii. The requested change has been carefully considered based on characteristics of the site and surrounding area and policies of the General Plan.
- iii. The property is planned for transition to R-N-B in the General Plan.
- iv. The uses allowed in the R-N-B zoning district include residential use and lower intensity commercial use in order to provide a transition between arterial streets and residential neighborhoods.
- v. The R-N-B zoning standards include development restrictions and design standards aimed toward providing buffering and mitigation of impacts to adjacent residential properties.

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment from R-1-8 to R-N-B. There will be another public hearing scheduled with the city council in the near future wherein the city council will decide whether to change the zoning or not. Any citizens who received a notice for this meeting will also receive a notice for the city council meeting.

Steven Feder, 6975 South Union Park Avenue, #600, Cottonwood Heights. Mr. Feder stated that the city put a lot of thought and effort into the original General Plan. He

stated the general plan does allow for a residential neighborhood business which is an intelligent transitional zone between commercial and residential neighborhood and the entrance to the neighborhood. He asked that the commission recommend to the city council as the general plan calls for which is residential neighborhood business district. He stated the site plan, which is not being considered tonight, has been carefully thought out. The site plan shows an entrance off Winchester Street and exit onto 725 East so that people exiting can come back to the stop light which is a stop lighted intersection. This would easily allow people to head back east without having to cross traffic lanes on Winchester Street. The intended users of the building are anticipated to be 2 users but no more than 4 users of the entire building. The interested tenants will not create a lot of traffic and do not have a lot of customers that would come to the site. The compliance with the 10 foot setback from the residential area and buffer wall has been incorporated into their plans. The minimum parking ratio of 5 stalls per 1,000 sq.ft. has been incorporated into their plans and actually will be exceeded by a few stalls. The building will be pushed as far forward towards Winchester Street as possible to create an even wider buffer from the residential neighborhood. The building height will not exceed 30 feet, which is less than the adjoining residential zone which has a maximum height of 35 feet. The building design will be of extreme high grade materials and will be an asset to the neighborhood and will not detract from the neighborhood. He stated if the existing three residential homes are to remain as is, the owners have indicated that they do not intend to do a lot of improvements and additions to the properties and maintenance and if the zoning does not go forward the properties may deteriorate more over the years and that would not be in the city's or neighbors best interest. This proposal will not create a traffic hazard to the neighborhood because the ingress and egress will all end up on Winchester Street either exiting around the corner heading south or will be exiting onto Winchester Street.

Mr. Feder stated their sole purpose tonight is to address the rezoning of the property and not the design of the property or structure. That process will be at a later day if the zoning is changed. Mr. Feder asked that the planning commission make a positive recommendation from R-1-8 zoning to R-N-B zoning in compliance with the city's general plan.

Mr. Tingey reiterated that this agenda item is for zone change only and the request is a zone change from R-1-8 to R-N-B. He stated if there is a proposal for this site other than residential it will have to come back to the planning commission by way of a public meeting about the specific design elements, traffic impacts, parking, and the structure itself.

Mr. Markham asked if fencing or solid walls come into play at this stage, or is that addressed at a later date. Mr. Tingey responded that if the zoning for this property is changed to R-N-B and there is a subsequent proposal for a commercial use, these issues are addressed in the ordinance relating to fencing, buffer, building height, lighting, and other pertinent issues.

The meeting was open for public comment for this agenda item. Ms. Daniels asked that there be respectful comments and that the citizens should act like adults.

Denny Lennell, 6466 Castlefield Lane, stated he understands that this proposal is for zoning only. Mr. Lennell stated as zonings occur and certain requirements are imposed as a condition, those conditions should be followed up on. The reason for making this comment is that the properties across the street on Winchester Street, the James Point Apartments were originally approved as a senior community. He stated his opinion is that there have not been any changes on that approval, no public input or anything. However there are many children that reside in that complex and there has obviously been no enforcement follow up on this issue. He expressed concern with future enforcement of approvals. He asked that staff check on the James Point Condominiums original zoning and approval and why it has changed. Mr. Lennell stated that he saw an elevation of the proposal building which had 9,000 sq.ft. on an upper level and the main level totaling 18,000 sq.ft. He asked about the traffic access. Ms. Daniels responded that the traffic and anticipated building are not part of this discussion tonight and this is merely a zoning change request. Mr. Lennell asked that he could be notified of when the building approval is scheduled so that he could be involved with that process. He expressed concern that at that point there would not be room for input from the citizens.

Davis Hansen, 736 East Labrum Avenue, stated he is the adjacent property owner to the north. He expressed concern with what may be proposed for the properties in question. He stated the zoning is supposed to be mixed use, low scale, low intensity residential commercial office and business operations. He stated he has looked at the R-N-B projects that have occurred over the past few years on 900 East and Winchester Street and that the majority of those projects average about a 4,000 sq.ft. house/building. He stated the project that is being contemplated is significantly larger than 4,000 sq.ft. and how is that supposed to fit in with the neighborhood where the majority of the homes are 2,000 sq.ft. to 5,000 sq.ft. He stated that the Make A Wish building is only 13,000 sq.ft. and is huge. Ms. Daniels stated this agenda item is not to discuss the anticipated building for the property but is for the zone change only. Mr. Hansen stated once the zoning is in place, there is little room for input from the citizens for the actual project. He asked how they can be involved with any proposed project for this property if the zoning is changed to R-N-B. Ms. Daniels responded that the citizens would need to work with the developer.

Mr. Taylor commented that to be able to express at a zoning hearing the concerns about traffic or access onto 725 East or portions of Winchester Street are appropriate at this time and will be on the record which is forwarded to the city council.

Mr. Woodbury stated when something is zoned, any use that is listed as permitted or conditional use a potential use for the property. The actual development plan follows after the zone change and staff will make a recommendation. Mr. Woodbury stated the citizens can express concerns specifically about the R-N-B zoning at this time. He read several of the allowed uses in the R-N-B zone such as schools, florists, optical shops, etc. He stated that as citizens we should all be better educated on what are the allowable uses within each of those zones. He expressed concern with the feeling of the citizen's concerns not being heard. He stated there should be some restriction as to size of building. Mr. Markham indicated that there are restrictions.

Mr. Taylor stated that the type of uses that are allowed in the R-N-B, the maximum height, the building size setbacks, the parking requirements; those are the components that come into play when determining the "mass" of the structure that could be developed.

Mr. Hansen asked the commission if they recommend having some type of a forum with the developer regarding the potential building for this property. Mr. Harland responded that is the only option if the citizens wish to have their input prior to a project being presented to the planning commission.

Mr. Harland stated that when a development is proposed and a conditional use permit is required, the project will be reviewed by the commission in a similar fashion as this meeting tonight. Mr. Woodbury stated the general plan is a guide for the city in future zone changes.

Paul Ruben, 741 East Litson Circle, stated he grew up in this neighborhood and has lived here for the past 50 years. He stated that 725 East Street is still a 25 m.p.h. street and is about the only 25 m.p.h. street that has two yellow lines. Most drivers don't know that it is 25 m.p.h. because of the double yellow lines. He stated by changing the zoning for the property in question to R-N-B will only make 725 East traffic more dangerous. He stated that while traveling southbound on 725 East Street and making a left hand turn, traffic is not visible if there is someone else turning left onto 725 East Street northbound. He stated that there are a lot of people who would like to build nice homes on the three lots in question and that changing the zoning to commercial is not necessary.

Sergy Krasovsniy, 739 East Labrum Avenue, stated that the citizens do not want this rezoning. He stated the commercial is across the street and they just need to fill the spot with normal residential houses or twin houses and there is no need to make a barrier in this particular spot. The barrier should be against the properties across Winchester Street. He stated this is a desirable neighborhood.

Jerry Nelson, 6334 South 560 East, stated he used to own the lot that is designated R-N-B. It wasn't R-N-B when he owned the property. He stated he wanted to build a home on the property and the builder decided to lift their elevation out of the ground 4 feet to avoid having to install a sewer pump in the basement, the foundation would have been considerably higher. At that point he considered the aesthetics and impact to the residential neighbors and decided that it wasn't worth doing that. They then forfeited the home construction and incurred substantial costs in doing so and eventually sold the lot. He stated that an appeal to common sense is warranted. He stated that when someone says these lots are going to go to waste because they will not be developed is not true and that homes are selling rapidly if priced right. He stated if these three lots were priced right, they could and would be very desirable for single family dwelling. He stated he is opposed to the change in zoning due to the impact it would have on the quality of life around the immediate area. The Squires home to the west is an historical home and has been there for over 100 years. It doesn't make sense to allow commercial properties to keep encroaching in on the quality of life. He asked the commission members if they would like the R-N-B zoning development in their neighborhood. He stated that the traffic will substantially be

increased on 725 East if the zoning is changed. It would almost be impossible to turn left on 725 East to get out to Winchester for the fact that traffic is already backed up 4-10 cars waiting to get through the intersection. He stated that many of the residents in this area are life time residents specifically in this neighborhood and he asked that common sense be considered about the quality of life for this neighborhood and is it a never ending encroachment of commercial properties into the neighborhoods or is it protecting that quality of life by saying this proposal doesn't make sense.

Terry Steed, 754 E Labrum Avenue, stated he has lived in his home for 35 years and back in the day of 725 East had farmland in this area with horses, and eventually 725 East was made a through street. He stated that the businesses on Winchester Street have failed where the Cort Furniture business was located. Mr. Labrum who is the name sake for Labrum Avenue lived in the back house of one of the properties in question and her family lived in the home upfront. He stated that Mr. Labrum was an arborist for the state capital building with a lovely yard with incredible flowers. He stated this proposal is all about money and now the property owners want to get the zoning changed. He stated that the Make A Wish building was the buffer and the adjacent home was also zoned R-N-B and is a land management business which is a decent project, but when the property was a residential it was much nicer. He stated he was a police officer for 25 years for Murray City and that once 725 East Street was made a through street it became a real headache as far as speeding. He stated each evening between 4 p.m. and 6 p.m. going southbound the cars are backed up to Labrum Avenue (100+ feet) and this proposal would make the traffic worse. He stated that when the residents are continually told that "this is the buffer", "this is the buffer", it will only be a short period of time before the house on the northwest corner of will be encroached upon and it will continue. He stated he believes the citizens have been misled with regards to commercial encroachment. He asked if when the general plan is modified it is more in favor for the businesses or the residents. He stated that the Make A Wish business has been a good neighbor but that would not be the same situation with florists and photographers, etc. Mr. Markham responded that the general plan is periodically reviewed and modified.

Colleen Fisher, 740 East Labrum Avenue, stated she has lived in her home for the past 37 years and raised her family there. She concurred with Mr. Steed. She stated that when James Point Apartments was approved, it was based on the idea that it was for those over 55 years of age and older (an adult complex). However, since that time James Point has changed to low income housing with many children. She stated the notices that were sent for this agenda item were based upon the 300 foot radius and only 50 notices were sent, four of which were to her and her husband. She stated that the citizens are ill informed. She stated that the citizens were told that 725 East Street was never going to go through but eventually did anyway. She stated that when Make A Wish was proposed in the R-N-B zoning district, but was recently told by Mr. Wilkinson that the Make A Wish property is zoned G-O (general office). She stated that the residents weren't notified of this change either. She stated that she is opposed to the R-N-B zoning change.

Mr. Taylor stated that the R-N-B zoning district is fairly new and that the Make A Wish property could not have been developed under the R-N-B zoning district and was developed under the G-O (general office) zoning.

Pam Squires, 687 East Winchester Street, stated her home was built in 1898 and they have invested a lot of money to protect the historical home and also a fence around their property. She stated that they have had a car go through their fence on Winchester Street, on the corner and also 725 East Street (three sides). She stated they have planter boxes filled with cement to protect their home. She stated that today there was another accident on the corner of where her home is located. She stated they have been there for the past 27 years. She stated she cannot get out of her driveway in December after 2 p.m. because of traffic congestion. She stated the glitch with contacting the developer prior to their proposal for the site development is that if the developer wishes not to hear their input that will not work. Ms. Squires stated she has not been notified of the general plan updates and that she is very involved with Murray City and what is going on. She asked why they have to pay a penalty now that their property is on the master plan and she is to the "whim" of the master plan. She asked who designed and started the master plan. She indicated that she was informed that the city master plan gets changed every 10 years, yet all the residents thought the master plan was in cement. She stated the citizens do not believe the planning commission and what is told at the meetings.

Janice Strobel, 4912 Wasatch Street, stated everyone here is expressing frustration with zoning and that as citizens there is nothing they can do and they are stuck with the zoning and the citizens do not wish the zoning to change. She stated that talking with the developer after the developer has purchased the property isn't an option.

John Thornton, 6384 South Castlefield Lane, stated he is representing the sellers of this property and that he also lives in this neighborhood. He stated that reality is difficult at times and he too is concerned about the neighborhood and the aesthetics and upkeep of the neighborhood. He stated he is trying to lend a hand in the rights of those sellers to sell their property as owners of property. He stated it is interesting that if it fits our needs then we are in favor of it. He stated the reality is that these properties have been on the market for 3 years. The fact is nobody wants to build a residential complex on Winchester. If it's not true, the property would have been sold before now. He stated he was involved in the assembling of the properties to the west that were blighted properties, and in reality that is what happens. He stated the wisdom of zoning on a major arterial needs to be looked at simply because nobody wants to invest in their properties and the properties will continue to be a blighted and reduce in value and be an eye sore to the neighborhood as opposed to something that is professionally managed that can be a positive entrance into the neighborhood. He asked what the positive affect to the neighborhood is by keeping it residential. No one has purchased the properties for residential uses in over 3 years.

Charlie Cayias, 730 East Labrum Avenue, stated the intersection needs some work and that he often times has to report traffic accidents. He stated he has been run off the road in this area, and drivers have passed him on the right hand side while he is trying to access his driveway. He stated he would love for the commission members to come to his home and watch the traffic and speeders on 725 East Street. He stated there have not been police officers on this street for six years. He stated that zoning must fit the neighborhood and works within the community. He asked the

commission to continue this application and have a feasibility study completed before consideration.

John Nelson, 812 East Silver Shadows Drive, stated he is adamantly opposed to this zoning change. Mr. Nelson stated at any given point during the day, while sitting on his front porch and watching business traffic speeding down Silver Shadows at any given time. He stated that he has followed drivers out of the neighborhood only to discover it is the transmission business on 900 East using this street for test drives, as well as the Apple Spice Junction deliveries. He stated that any change will affect him directly with traffic.

Jerry Nelson, 6334 South 560 East, stated that in his attempt to move his family back to Murray they looked many months for an opportunity to do so. A lot became available on Winchester Street and they debated due to the traffic, whether to build a home and came to the conclusion that yes, given the limited amount of real estate available they decided to purchase the lot. He stated for someone to say that those lots being discussed will become blighted is ludicrous. He stated that if the three properties in question were priced right, they would have sold.

Adam Hardman, 6372 South 725 East, stated he grew up in this neighborhood. He bought his home in October. He stated the community garden that is on the property is full of vegetables. He is not worried about the properties in question becoming dilapidated because of the way the community has pulled together and they really care about this property. He said the residents don't care for the residential business district buffer because the residents have their own buffer. There is no shortage of speeders on the neighborhood streets. The residents in this area pull together and take care of their own and he will be the first one with a paint brush and weed whacker to make sure those properties don't look bad.

Kristin Fisher, 802 East Silver Shadow Drive, stated her main concern is the traffic. She is opposed to this zoning request.

Lois Holt, 6359 South 725 East, concurred with the previous comments. She stated she does not see the benefits of the zone change but sees many disadvantages.

Shauna Nelson, 812 East Silver Shadow Drive, stated they are a small percentage of people who live in this neighborhood who found about this proposal a few days ago. She stated they depend on the commission to represent them and the residents are begging the commission to think about Murray City and the places where residential homes are located and those areas are diminishing. She stated the schools are affected by the residential areas diminishing and the school can't compete.

Heather Housekeeper, 639 East Birchfield Lane, stated she lives in the James Point Apartments. She crosses Winchester Street daily to go into the park in the neighborhood park on 725 East and there has been several times where cars almost hit her. She stated that 95% of the residents at James Point Apartments are family with several kids and she is opposed to this zone change request.

Angie Hansen, 736 East Labrum Avenue, stated she is the second home from the corner and her rear yard is only about 10 feet from the fence. She stated if these properties are changed to R-N-B then the building could potentially be 20 feet from her home and she has small children who play in their back yard.

Tim Tingey responded to the questions and comments identified in the public comments. He stated that he will research the James Point Apartments original use approval. If the James Point Apartments are in violation of their approval, enforcement procedures will be pursued. He explained the planning commission members are not elected officials, and are citizen volunteers and that those in attendance tonight need to recognize this as they make negative comments about the commission. He stated the city council will make the final decision on this zoning matter and tonight will be a recommendation only. Mr. Tingey explained the timing of the process. Tonight will be a recommendation from the planning commission, another notice will be mailed to the residents in the area informing them of when the public hearing is scheduled for the city council meeting at which time they will make a decision whether to change the zoning or not. The city council meeting is likely to be at the end of August, but that needs to be set by the city council. If the zone change is approved by the city council, a formal commercial use is proposed, it would need to be reviewed by the planning commission at a later day. That meeting would likely be another month after the zone change. He stated that in the R-N-B zone requires there are extended setback requirements that are more stringent than typical commercial zonings. He clarified that the setbacks are a 20 feet front setback, 20 feet rear setback, and a 10 foot landscape buffer. All these setbacks restrict the amount of space that can be developed. In addition there are parking requirements which restricts the size and mass of the building. Those components would not be restricted if there were no height limitation, but there is a height limitation of 30 feet, which further limits the size and mass of a building. He stated the city goes through a general plan process approximately every 10 years and the last time was in 2003. There are 46,000-47,000 citizens in Murray. The city does not send out notices to every citizens regarding the general plan but the city does meet the State requirements for notices which are published in the newspaper, in the Murray Journal, included inserts in utility billings, advertising on the city's website, published on the state's public meeting website, and multiple public meetings where input occurs. The city would love to have thousands of people come to those meetings, but the reality is they don't. Most of the time the citizens don't care and sometimes people don't understand the importance of this. He stated that he personally has been frustrated because he wants to get input from citizens and often times there isn't much input. He stated the public notices for this particular proposal are sent to property owners within 300 feet which is above and beyond the state requirements.

Mr. Tingey stated regarding the Make A Wish development, that it was developed in the G-O (general office) zone. He stated that issue prompted the city council to look at a residential neighborhood business zoning classification. Anyone can submit a request for records and it will have all the meeting minutes for that meeting. He stated he would be happy to research this information for anyone who desires it.

Mr. Tingey stated regarding the intersection and traffic concerns, that he would be happy to refer the concerns to the Murray Traffic & Safety Committee and the police

department. The comment on the intersection work will be referred to the public services division.

Mr. Tingey reiterated that this meeting is a recommendation only and that the final decision will be made by the city council, who are the elected officials, at a later date.

Mr. Taylor asked if the city is the process of preparing to have a general plan update. Mr. Tingey responded in the affirmative. He stated that a designated amount of money has been set aside and it will likely be a three year process with extensive public input that will likely start in January of 2014.

Ms. Daniel asked how the public gets involved in the general plan process. Mr. Tingey responded there will be numerous public meetings, open houses, study sessions with the planning commission and city council, and the input process will be extensive. Most likely between 10-15 public meetings will be held.

Ms. Daniels stated that traffic safety issues regarding 725 East, should be directed to the public safety committee and police department.

Mr. Taylor stated that 725 East Winchester Street intersection has been discussed numerous times over the years.

Mr. Markham commented that if this area is recommended to be changed to an R-N-B zoning, there could still be homes. He stated that people aren't chomping at the bit to build homes at these properties and if the zoning is changed residential homes would still not be restricted. Mr. Tingey responded that permitted uses in the R-N-B zoning include single family and two-family dwellings subject to meeting the requirements of the R-M-10 zoning.

Mr. Woodbury stated he has been in Murray for 13 years, and one of the things that attracted him to Murray was the combination of residents and businesses. He stated he grew up in Bountiful and there is not a lot of businesses which puts the tax burden on the residential homes. The challenge the city has is a balance between residential and business. He encouraged those in attendance to attend meetings and open houses when the general plan process begins.

Terry Stead commented that if any of the planning commission members lived in any of the three homes on Labrum Avenue, would they want at this point an office or business in their back yard.

The public comment portion for this agenda item was closed.

Mr. Harland reiterated that the general plan process in 2003 involved numerous meetings and open houses where only 4-5 citizens would attend at the most of the meetings, which is not a good representation of the citizens. Unfortunately for many situations, this input should have been given years ago when the general plan was being updated and discussed. Mr. Harland stated that the planning commission's obligation is to follow the general plan where possible because it was researched

extensively. If the city council disagrees, then they have the option of not approving the zoning change

Mr. Markham commented that this geographic area in general plan identifies this area as residential neighborhood business, and the commission is not ignoring the information here tonight. He stated over the past three years nothing has happened with these properties and the big massive open area to the west which is not an improvement. He stated the three homes being discussed tonight are in disrepair because there is not intent to keep them as single family residential by their property owners.

Throughout the meeting while discussing this agenda item there were many derogatory outbursts from the audience and Ms. Daniels had to use the gavel to maintain order.

Mr. Tingey stated the public comment portion of the meeting is over and comments should not be continued and that the audience be respectful and allow deliberation time for the planning commission.

Mr. Taylor stated this area has been a tough area to address regarding zoning. He mentioned the possibility of delaying changing the zoning due to the highly controversial issue and study where is the right place to have the transition area, on the corner or is it okay to have it be where it currently exists. He stated it would be interesting to have that input from the neighborhood and from the city in general.

Mr. Woodbury made a motion that this item be tabled. Mr. Tingey stated that tabling this item is not an option because an application is in place and needs to move forward to a decision body. If the planning commission were the decision body, it could be tabled, but there needs to be a recommendation submitted to the city council. The planning commission could include comments to the city council about issues that they may want to consider in their public meeting, and the council will receive a copy of the minutes from this meeting.

Mr. Woodbury stated he would like residents to have the opportunity to discuss this issue further with the land owners.

Mr. Woodbury made a motion of denial for this application and forward that to the city council with a suggestion that there be further discussion and input from the citizens for a couple months. Mr. Markham seconded the motion. Mr. Woodbury clarified his motion that the recommendation be a negative recommendation with a suggestion that there be further discussion amongst the residents. Mr. Taylor commented that in his experience over the years, whether the planning commission makes a negative or positive recommendation, the city council ultimately makes the decision but takes into the consideration the input from the planning commission.

Ms. Daniels clarified that the motion from Mr. Woodbury is that the planning commission forward a recommendation of denial to the city council for the requested from R-1-8 to R-N-B zoning for the properties addressed 703, 709 & 753 East

Winchester Street with the suggestion that there be further discussion with the land owners and the neighbors. The motion was seconded by made by Mr. Markham.

Mr. Tingey asked for clarification for the motion for the benefit of the city council in understanding the reasoning behind the motion.

Mr. Woodbury commented that he loves the passion of the citizens at this meeting and believes the issue deserves further discussion, he also feels the intersection issues should be further discussed and resolved, there is so much unknown, and the general plan for this area is residential neighborhood business but the general plan was updated 10 years ago. Once the zoning is changed, if it is an allowable use, there is nothing else that can be done at that point. He feels more discussion and research in this area is needed.

Mr. Markham stated he feels it is unfortunate that plans were presented tonight and were included in the staff presentation because the topic of discussion was not on the site itself, but on the zoning change. Presentation of the site plan clouds the entire decision process. He suggested that a site plan not be included in the future so that the focus will not on the site plan itself but on the zoning. He stated the recent zone changes on 900 East have been assets to that area. He stated the last proposal for R-N-B zoning on 900 East was initially denied and the applicant modified their request by having the back portion of the property be R-1-8 and the front portion that faced 900 East be R-N-B.

Mr. Taylor stated that looking strictly from a land use perspective; he likes the fact that there are residential areas that are out against the roadway boundaries verses the traditional commercial strip on both sides of the road. There is commercial to the east on the north side of Winchester Street, commercial to the west on the north side of Winchester and there is a little section of residential that is abutting Winchester Street verses a road that has residential on both sides of the road. He likes the mix of uses and the way it works in this area and that the transition happens where it does verses totally commercial along Winchester Street.

Mr. Harland stated he respectfully disagrees with the recommendation to deny this application. He stated in his opinion this is an appropriate zoning designation for this area although it is obviously going to have an impact on the neighborhood, but it is still unknown what will ultimately be developed. There are some good examples along 900 East that transition into a neighborhood very nicely, and in most recent applications the request for R-N-B & R-1-8 that was approved at 6358 South 900 East. He stated that the original application was going to include an arboretum at the western portion of the property and something similar for this application could help mitigate the impact to the adjacent residential properties. Mr. Harland stated he feels comfortable with the zoning changing to R-N-B.

Ms. Daniels commented that she has mixed feelings regarding this zone change request. She stated that having the site plan presented for this zoning request has not clouded the issue for her. She stated she appreciates the citizens voicing their opinion and it is their community, but the residential neighborhood business is a good zoning designation. She stated in her opinion it may be time to review this area once

again with the upcoming update to the general plan. She stated there is a lot of commercial in this area and that 725 East Street is a difficult intersection for traffic in the area.

Mr. Tingey clarified that the process currently requires some type of site plan proposal and the site plan was not just inadvertently submitted by the applicant. He stated it is a proposal and is not set in stone so consideration must be made on the merits of the zone change.

Call vote recorded by Tim Tingey.

A _____ Tim Taylor
A _____ Scot Woodbury
A _____ Phil Markham
N _____ Jim Harland
A _____ Karen Daniels

Motion passed, 4-1.

Ms. Daniels stated the recommendation to be forwarded to the city council is for denial of the request to change the zoning from R-1-8 to R-N-B zoning. The city council will have the final decision on this matter.

OTHER BUSINESS

Mr. Tingey stated there will be a boards and commission dinner forthcoming.

Meeting adjourned.



Chad Wilkinson, Manager
Community & Economic Development